REMARKS/ARGUMENTS

STATUS OF CLAIMS

Concurrently with filing of the RCE, claims 1-3 have been amended. Claims 1-7 are now

pending in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

I.   Claims 1-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by

Kawakita (Japanese Patent Publication No. 2002-096344).

As described in paragraph [0006] of the present application, Kawakita measures an

optical characteristic of a temporary lens and the amount of deviation of the measured value

from a reference value is compared with a table prepared beforehand to determine an amount to

adjust the molding die.   Paragraphs [0007] and [0008] of the present application describe

problems of using a table such as that disclosed in Kawakita. The present application describes

calculating a correction wavefront aberration amount and has no description of using a table

when doing this.

Therefore, to expedite prosecution, independent claim 1 has been amended to delineate:

A method of designing a molding die for molding an optical device having
a desirable form optimized so as to yield a desirable wavefront aberration by
using a plurality of optical parameters;
the method comprising the steps of:
designing by using at least the plurality of optical parameters, a temporary
optical device for optimizing a form so as to exhibit the desirable wavefront
aberration;
making, according to the optimized form of the optical device, a
temporary molding die for molding the optical device;
molding a first temporary optical device by using the temporary molding
die;

measuring a wavefront of thus molded first temporary optical device *and calculating a wavefront aberration amount*;

calculating a correction wavefront aberration *amount* compensating for the wavefront aberration *amount*;

designing by using at least the plurality of optical parameters a second temporary optical device for optimizing a form so as to exhibit a wavefront aberration *with the correction wavefront aberration amount*; and

designing, according to the optimized form of the second temporary optical device, a normal molding die for molding a normal optical device, *wherein*

calculating a correction wavefront aberration amount does not include comparing wavefront aberration amount with a table prepared beforehand.

Claims 2 and 3 have been amended for consistency with amended independent claim 1.

It should be noted that MPEP § 2173.05(i) confirms that there is nothing inherently ambiguous or uncertain about a negative limitation. Furthermore, paragraphs [0006] to [0008] of the present application (describing problems using the table of Kawakita), taken together with how the present application carries out the invention, evince that it is implicit that the present invention does not use a table to calculate a correction wavefront aberration amount.

Thus, paragraphs [0006] to [0008] of the present application, taken together with how the present application carries out the invention, evince that the originally filed disclosure conveys to one having ordinary skill in the art that Applicant had possession of the concept that calculating a correction wavefront aberration amount does not include comparing wavefront aberration amount with a table prepared beforehand (see *Ex parte Parks*, 30 USPQ2d 1234).

As noted above, Kawakita discloses only that the amount of deviation of a measured value of an optical characteristic of a temporary lens from a reference value *is compared with a table prepared beforehand* to determine an amount to adjust the molding die. Kawakita has no

disclosure or suggestion that calculating a correction wavefront aberration amount does **NOT** include comparing wavefront aberration amount with a table prepared beforehand.

Arguments as to Why Amended Claim 1 is patentable over Kawakita

Amended independent claim 1 clearly delineates that a table is **NOT** used in calculating a correction wavefront aberration, clearly distinguishing over Kawakita which uses a table. Furthermore, with regard to the table of Kawakita, a parameter for adjustment is limited to constants of a high degree nature among aspherical constants. In contrast, in the present invention, since a table, which is calculated/prepared beforehand is **NOT** used, a plurality of necessary parameters, among all the optical parameters for lens design, are used. Finally, regarding the table of Kawakita, since the table is calculated/prepared beforehand, correction would be made within a range that is predicted beforehand. In contrast, in the present invention, since an optical device is designed newly, it is possible to design in view of new aberrations and/or deficiencies that are not considered beforehand, giving greater design flexibility compared to what is disclosed in Kawakita.

II.   In view of the above, amended independent claim 1 and dependent claims 2-7, as amended, are patentable over Kawakita and their allowance is respectfully solicited.

CONCLUSION

In view of the above, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____ # 39, 491

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